

## **REMARKS**

Claims 1-2, 4-5, 7, and 9-12 remain in this application.

Claim 1, as amended, calls for a utility knife for glaziers and sheet rock workers, comprising: (i) a knife handle including a gripping portion and a blade supporting portion, said knife handle being unitarily formed; and (ii) a knife blade being transversely angulated with respect to said gripping portion of said knife handle, and being firmly supported in horizontal and vertical planes. The amendments to claim 1 are clearly supported by Figs. 1-5 of the original specification. Accordingly, no new matter has been added.

Claim 2, as amended, calls for a utility knife for glaziers and sheet rock users, comprising, (i) a reversible, detachable blade having a sharp edge and a plurality of anchoring holes; (ii) a handle for supporting the blade in a transversely angulated position, said handle including a gripping portion and a blade supporting portion; (iii) said handle having left and right side members, each of said left and right side members, respectively, being unitarily formed; (iv) locating means disposed within said blade supporting portion of said handle for capturing said knife blade; (v) channel means disposed within said blade supporting portion of said handle for containing and supporting said blade in a vertical plane; (vi) clamping means for clamping said left and right side members and supporting said knife blade in a horizontal plane; and (vii) blade replacement means for exposing a fresh edge of said blade, replacing said blade with a new blade, and rotating said blade by 180 degrees to change handedness of said utility

knife. The amendments to claim 2 are clearly supported by Figs. 1-5 of the specification, as originally filed. Accordingly, no new matter has been added.

Applicants' invention provides a utility knife for glaziers and sheet rock workers having a two-part handle. The handle clamps a detachable reversible knife blade at a transverse angulated position with respect thereto. Vertical cuts can be made in tight corners without applying excessive force. The transversely angulated knife blade affords access permitting vertical cuts in tight corners. During cutting the user's hands are displaced from the cutting line, and kept from being inline with the cutting blades, thereby preventing injury.

### **Drawings**

The Examiner has objected to the drawings. Specifically, the Examiner has indicated that the drawings must show every feature of the invention specified in the claims. The Examiner has stated, therefore, that (i) a "knife blade that extends more than 50% of its length outside the handle", of claim 3; (ii) "a locating means attached to the left side member", of claim 6; (iii) "a channel depth smaller than the thickness of the knife blade"; and (iv) "a plurality of bolts", of claims 10-12, must be shown or the features canceled from the claims. The Examiner has indicated that no new matter should be entered.

Regarding a "knife blade that extends more than 50% of its length outside the handle", this feature has been canceled from the claims.

Regarding "a locating means attached to the left side member", this feature has been canceled from the claims.

Regarding “a channel depth smaller than the thickness of the knife blade”, this feature has been canceled from the claims.

Regarding “a plurality of bolts”, this feature has been amended to recite “at least one bolt”, this being clearly shown in the drawings, as originally filed.

Accordingly, reconsideration of the objections to the drawings as not showing every feature of the invention specified in the claims is respectfully requested.

### **35 USC § 112**

Claim 8 was rejected under 35 USC 112, first paragraph, for failing to comply with the enablement requirement. Claim 8 has been canceled. Accordingly, this rejection is now moot.

Claims 2-12 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has stated in regards to claim 2 items d-f, the phrases “locating means disposed within the handle” and “channel means disposed within said handle” are inaccurate and, therefore, unclear. The Examiner states that using Figure 1, claim 2 discloses a handle means (12, 14 angled portion of the apparatus) and a separate blade supporting means (portion of the apparatus substantially parallel with the blade and proven by claims 6 and 7). The Examiner states that it is clear from Figure 1 and especially Figure 3 that the located means and the channel means are disposed within the blade supporting means and not the handle means as claimed.

The Examiner has offered an example of claim language that would overcome this 112 rejection. Applicant appreciates the Examiner's suggestions, and has amended claim 2 in accordance therewith.

Accordingly, reconsideration of the rejection of claims 2-12 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is respectfully requested.

### **35 USC §102**

Claims 1-9 were rejected under 35 USC §102(b) as being anticipated by Burchell (USP 6,321,455).

Regarding claim 1, the Examiner states that Burchell discloses the same invention including a utility knife (10) comprising a knife blade (16) and knife handle (12), the knife blade being transversely angulated with respect to the handle (Fig. 2), and the knife blade is firmly supported in the horizontal and vertical planes (50 and 52).

Claim 1, as amended, calls for a utility knife for glaziers and sheet rock workers, comprising: (i) a knife handle including a gripping portion and a blade supporting portion, said knife handle being unitarily formed; and (ii) a knife blade being transversely angulated with respect to said gripping portion of said knife handle, and being firmly supported in horizontal and vertical planes. In light of the amendments to present claim 1, applicant respectfully submits that Burchell does not disclose or suggest each element of present claim 1. Namely, Burchell does not disclose or suggest a utility knife comprising a knife handle including a gripping portion and a blade supporting portion,

said knife handle being unitarily formed. Rather, Burchell discloses a knife comprising a handle that includes a shaft portion pivotally connected to a separate neck portion. See Burchell, col. 5, lines 10-37, wherein it states that “an operator can pivot the neck up to 20 degrees to the left or right”.

On the other hand, present claim 1 calls for a knife handle including a gripping portion and a blade supporting portion, said knife handle being unitarily formed. Significantly, the unitary construction of the knife handle of present claim 1 provides several important advantages over the knife handle disclosed by Burchell. One such advantage is that there is virtually no risk of injury to the user, which could otherwise result during use of a knife having a two-piece handle. In a two-piece handled knife of the type disclosed by Burchell, the pivoted connection would likely fail upon application of enough force thereagainst. The handle would suddenly bend during use, causing the user’s hand to strike the surface near the knife blade with a fierce impact. Clearly, the knife handle called for by present claim 1 affords greater reliability and durability, and is much safer to use than any two-piece knife handle disclosed or suggested by Burchell.

Regarding claim 2, the Examiner has argued that Burchell discloses the same invention, having each of the elements of original claim 2. Applicant respectfully submits that in light of the amendments to claim 2, present claim 2 is patentable over Burchell. Claim 2, as amended, calls for a utility knife for glaziers and sheet rock users, comprising, (i) a reversible, detachable blade having a sharp edge and a plurality of anchoring holes; (ii) a handle for supporting the blade in a transversely angulated position, said handle including a gripping portion and a blade supporting portion; (iii) said handle having left and right side members, each of said left and right side

members, respectively, being unitarily formed; (iv) locating means disposed within said blade supporting portion of said handle for capturing said knife blade; (v) channel means disposed within said blade supporting portion of said handle for containing and supporting said blade in a vertical plane; (vi) clamping means for clamping said left and right side members and supporting said knife blade in a horizontal plane; and (vii) blade replacement means for exposing a fresh edge of said blade, replacing said blade with a new blade, and rotating said blade by 180 degrees to change handedness of said utility knife.

In light of the amendments to claim 2, applicant respectfully submits that Burchell does not disclose or suggest each element recited therein. Namely, Burchell does not disclose or suggest a utility knife comprising a knife handle including a gripping portion and a blade supporting portion, said handle having left and right side members, each of said left and right side members, respectively, being unitarily formed. Rather, Burchell discloses a knife comprising a two-piece handle that includes a shaft portion (12) pivotaly connected to a neck portion (48). See Burchell, col. 5, lines 10-37, wherein it states that “an operator can pivot the neck up to 20 degrees to the left or right”.

Present claims 4-5, 7, and 9 depend from present claim 2, which is submitted to be patentable for the reasons stated hereinabove. Therefore, it is submitted that dependent claims 4-5, 7, and 9 are also patentable for these same reasons.

Accordingly, reconsideration of the rejection of claims 1-2, 4-5, 7, and 9 under 35 USC §102(b) as being anticipated by Burchell is respectfully requested.

**35 USC §103**

Claims 10-12 were rejected under 35 USC §103(a) as being unpatentable over Burchell in view of Joanis et al. (USP 3,845,554).

The Examiner states that Burchell discloses the invention including the clamping means comprising a bolt (62), the bolt is threaded to the thickness of the left side member (60), and the bolt slidably fits to the right side member (58).

The Examiner has combined Burchell with Joanis et al. to collectively provide a teaching that suggests a clamping means having a plurality of bolts. As amended, claims 10-12 call for a utility knife having clamping means comprising at least one bolt, threaded to the thickness of the left side member, and slidably fitted to the right side member. As amended, claims 10-12 no longer call for a plurality of bolts, but instead require at least one bolt.

Present claims 10-12 depend from present claim 2, which applicant believes is patentable for the reasons stated hereinabove. Therefore, it is submitted that dependent claims 10-12 are also patentable for these same reasons.

Accordingly, reconsideration of the rejection of claims 10-12 under 35 USC §103(a) as being unpatentable over Burchell in view of Joanis et al. (USP 3,845,554) is respectfully requested.

### Conclusion

In view of the amendments to the claims and the remarks set forth above, it is respectfully submitted that the present application is in allowable condition. Reconsideration of the rejection of claims 1-2, 4-5, 7, and 9-12 and the objections to the drawings, and allowance of this application, as amended, are earnestly solicited.

Respectfully submitted,  
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